

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ARTEAGA,

Plaintiff, No. CIV S-03-1004 FCD KJM P

vs.

EDWARD ALAMEIDA, JR., et al.,

Defendants. ORDER

Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On May 8, 2007, he filed a motion for leave to file a supplemental pleading under Federal Rule of Civil Procedure 15(d). He asks to be allowed to add prayers for compensatory and punitive damages for his placement in segregation. Under Federal Rule of Civil Procedure 15(d), a party may seek leave of court to file a supplemental complaint containing claims that accrued after the initial complaint was filed. Cabrera v. City of Huntington Park, 159 F.3d 374, 382 (9th Cir. 1998). There is nothing in plaintiff's pleading suggesting that his requests for compensatory and punitive damages have accrued since he filed the complaint.

On May 3, 2007, plaintiff filed a request for six subpoenas plus witness fees and mileage. Although a party proceeding in forma pauperis need not pay service fees, he must

1 tender witness fees and mileage for proper service of any subpoena. Tedder v. Odel, 890 F.2d
2 210, 211-12 (9th Cir. 1989); 28 U.S.C. § 1915(d); Fed. R. Civ. P. 45(c). The court cannot
3 provide the necessary fees for plaintiff.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's May 8, 2007 motion to file a supplemental complaint is denied; and
6 2. Plaintiff's May 3, 2007 request for subpoenas and witness fees is denied.

7 DATED: July 26, 2007.

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9 U.S. MAGISTRATE JUDGE
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